

Water Right Section Update – Tracie Donnelly

- 3rd SB3 environmental flows rule making for the river basins and bay systems consisting of the Nueces River, Corpus Christi and Baffin Bay, the Rio Grande and Rio Grande estuaries, the lower Laguna Madre, and the Brazos River and its associated bays and estuary system.

Adopted by the Commission on February 12, 2014

- HB3233 – Interbasin Transfer (IBT) Rule Proposal

February 26, 2014 the Commission approved publication of and hearing on the proposed rulemaking to implement HB 3233 from the 83rd Legislative session. This rule making will modify the requirements of the permitting process for IBTs of surface water including changes to the application and limits to what can be considered at an evidentiary hearing. The public comment period for the proposed rule will run from April 14th thru May 14th and a public hearing will be held on this proposal in Austin on April 10, 2014.

- Lower BoisD'arc Creek Water Use Permit application:

A revised draft and technical memoranda were mailed on February 20, 2014.

- New Staff:

Vicky Wu –Resource Protection Team

Derek Snyder – Project Manager for Permitting Team

Michael Gill – Work Lead for Permitting Team

Water Conservation and Drought Contingency Plan Submittal Update – Jennifer Allis

Certain water right holders such as Retail, Wholesale, Public Water Suppliers, and Irrigation Districts are required to submit a conservation plan, a water conservation implementation report and/or a drought contingency plan to the TCEQ every five years. The current deadline for this submittal is May 1, 2014.

The plans and report are required by Texas Water Code §11.1271 and 11.1272 and by Title 30 Texas Administrative Code §288.30. Section 288.30 also requires that some entities provide a copy of their water conservation plan to the Texas Water Development Board (TWDB).

Surface water right holders with 1,000 acre-feet of water for municipal, industrial, and other non-irrigation uses must submit a water conservation plan and implementation report to the TCEQ as well as provide a copy to the TWDB.

Surface water right holders with 10,000 acre-feet of water for irrigation uses must also submit a water conservation plan and an implementation report to the TCEQ and provide a copy to the TWDB.

For drought contingency plans a retail public water supplier with 3,300 or more connections, a wholesale public water supplier, and an irrigation district must submit a drought contingency plan to the TCEQ.

Forms can be found at the following link:

http://www.tceq.texas.gov/permitting/water_rights/conserve.html

The implementation reports now require more quantitative information regarding water use by sector.

Additional information can be found at the above link or you can call Resource Protection staff at 512.239.4691.

Plans can be submitted by e-mail at WCP@tceq.texas.gov or they can be mailed to the following address:

TCEQ
Resource Protection Team, MC 160
PO Box 13087
Austin, Texas 78711-3087

Commission Actions Update – Dinniah Tadema

At the February 12, 2014 Agenda, the Commission considered whether to affirm, modify, or set aside an emergency order issued by the Executive Director (ED) on January 27, 2014. The emergency order was issued to the LCRA to temporarily amend its 2010 Water Management Plan. The Commission referred the matter to SOAH on February 12th. The hearing was conducted on February 17th and a proposal for decision (PFD) was issued on February 21st with proposed modifications to the EDs order including changing the 1.1 million acre-feet trigger level to 1.4 million acre-feet.

Exceptions were filed on February 24th, responses to exceptions were filed on February 25th, and the Commission considered the PFD on the February 26th Agenda.

At the Agenda, the Commissioners affirmed in part and modified in part the EDs emergency order of January 27th. The key modification made by the Commission was the deletion of a specific level triggering releases of interruptible stored water to downstream irrigators based on combined storage in Lakes Buchanan and Travis. Instead, the Commissioners modified the emergency order by alleviating the LCRA of any obligation to make interruptible releases to downstream irrigators within the LCRAs Gulf Coast and Lakeside divisions and Pierce Ranch during the 120 day term of the order regardless of the Lakes' combined storage level. Additionally the modified order does not include provisions for a possible 60-day renewal period without further Commission action.

Watermaster Update – Amy Settemeyer

Evaluations are starting for the Sabine and Neches River Basins and the Neches – Trinity Coastal Basin. Letters will be mailed out soliciting comments from stakeholders. Stakeholder meetings will be held late spring and/or early summer 2014.

Closing – Sonia Crawford

Next meeting is scheduled for June 2, 2014.

Comments and topics for discussion can be emailed to Sarah Henderson or Sonia Crawford.